

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
SW/S Masemore Road, 350' NW		
of Mt. Carmel Road	*	ZONING COMMISSIONER
7th Election District		
3rd Councilmanic District	*	OF BALTIMORE COUNTY
(17106 Masemore Road)		
	*	CASE NO. 02-408-A
Sara M. & David A. Sides		
Petitioners		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Sara M. and David A. Sides. The variance request is for property located at 17106 Masemore Road in the Parkton area of Baltimore County. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 24 ft. in lieu of the required 35 ft. for a proposed addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDER RECEIVED FOR FILING

Date

4/23/02

By

R. G. [Signature]

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 23rd day of April, 2002, that a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 24 ft. in lieu of the required 35 ft. for a proposed addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

ORDER RECEIVED FOR FILING

Date

4/23/02

By

R. J. Gennaro



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 22, 2002

Mr. & Mrs. David A. Sides
17106 Masemore Road
Parkton, Maryland 21120

Re: Petition for Administrative Variance
Case No. 02-408-A
Property: 17106 Masemore Road

Dear Mr. & Mrs. Sides:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 17106 MASEMORE ROAD
which is presently zoned RC 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 A01.3 B.3 To Permit A

SIDEYARD SETBACK OF 24 FT IN LIEU OF THE REQUIRED 35 FT.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

DAVID A. SIDES WORK PHONE (410) 704-5291
Name - Type or Print _____

[Signature]
Signature _____

SARA M. SIDES WORK PHONE (410) 704-3694
Name - Type or Print _____

Sara M. Sides
Signature _____

17106 MASEMORE ROAD HOME (410) 357-0656
Address _____ Telephone No. _____

PARKTON, MD 21120
City _____ State _____ Zip Code _____

Representative to be Contacted:

SEE ABOVE
Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 02-408: A

REV 9/15/98

Reviewed By 8007 Date 03-22-02

Estimated Posting Date 03-31-02

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 17106 MASEMORE ROAD
Address
PARKTON, MD 21120
City State Zip Code

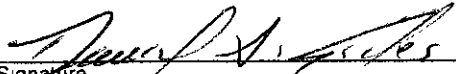
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We are requesting a residential lot setback variance in order to make improvements to our residence including a 14' X 22' addition. This addition is part of an overall upgrade and modernization of the house

Presently, the house has foundation dimensions of 24X35 and is situated on a 110' wide lot, 77' from Masemore Road. We wish to put the addition on the north side of the house, which is set back 38' from the property line we share with our neighbor, Mrs. Emily Williams. She has no objection (see attached). There would still be 24' between our house and the property line, and 136' between our two houses.

Because our 43-year-old house is located on a narrow piece of property, we find that we have setback issues on all sides; therefore we have selected the one that is least problematic. We cannot build off the back because of the proximity to the septic tank; the south side is too close to the neighbor's house; and the front is already closer to the centerline of the road than allowed. Both the south and front would require large, old trees be cut down. This leaves us with only the north side of the house. We have developed a plan that minimizes the impact on our neighbor, while still allowing us to improve the overall quality and appearance of our residence. We feel our plan is preferable to selling our home and buying/building a new home in northern Baltimore County, where over-development is already a problem. We hope that you will grant this setback variance to allow us to build within 24' feet of the property line

instead of the required 35' (11' variance). Thank you. *THE ADDITION ON THE NORTH SIDE FITS BEST WITH THE HOME'S INTERIOR LAYOUT. THE ADDITIONAL SPACE WILL ALLOW US TO ACCOMMODATE OUR FAMILY.*
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.


Signature

DAVID A. SIDES
Name - Type or Print

Sara M. Sides
Signature

Sara M. Sides
Name - Type or Print

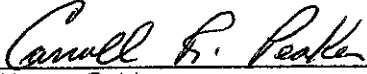
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of March, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

20th March 2002
Date


Notary Public

My Commission Expires October 13, 2003

REU 09/15/98

CARROLL R. PEAKER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires October 13, 2003

Zoning description for 17106 Masemore Road.

Beginning for the outlines to include the same at a pipe 20 feet Southwest of the centerline of the present roadbed of Masemore Road, said pipe being South 13 degrees 04 includes minutes East 242 feet from the end of the North 53 degrees East 245 feet 6 inch line as described in a Deed from Stephen H. Miller and wife to James C. Foster and wife dated September 30, 1912 and recorded among the land records of Baltimore County in Liber WPC No. 400, folio 531, etc., running thence along the Southwest side of Masemore Road as now surveyed by magnetic bearing of 1956 South 18 degrees 36 minutes 45 seconds East 110 feet to a pipe, thence by a line of division as now surveyed South 54 degrees 24 minutes 45 seconds West 250 feet to a pipe thence by another line of division and parallel with Masemore Road North 18 degrees 36 minutes 45 seconds West 110 feet to a pipe and the Southernmost corner of that parcel of land belonging to Dale M. Benshoof and wife running thence binding on the Southeasternmost line of that parcel as now surveyed North 54 degrees 24 minutes 45 seconds East 250 feet to the place of beginning. Containing six hundred five thousandths of an acre (0.605) of land more or less.

The improvements thereon being known as No. 17106 Masemore Road, and located in the 7th Election District, 3rd Councilmanic District.

02-408 E1

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 10189

DATE 03-22-02 ACCOUNT 8001-006-GISC

AMOUNT \$ 50

RECEIVED
FROM:

DRUGO H. SIDER

FOR:

ADMIN WASH
TCTAC

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JRHA

PAID RECEIPT

BUSINESS ACTUAL TIME
3/25/2002 3/22/2002 16:03:53

REG W604 WALKIN DOOL DND DRAWER 2

RECEIPT # 178469 3/22/2002 DFLH

Dept 5 528 ZONING VERIFICATION

CR NO. 010189

Recpt Tot \$50.00

50.00 OK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADM.

RE: Case No.: 02-408-A

Petitioner/Developer: SIDES, ETAL

Date of Hearing/Closing 4/15/02

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111,
111 West Chesapeake Avenue
Towson, MD 21204

Attention: PDM

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #17106- MASEMORE RD.

The sign(s) were posted on 3/30/02

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 4/5/02
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)



02-408-A
#17106- MASEMORE RD.
SIDES, ETAL

C- 4/15/02

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-408-A

Petitioner: DAVID A. SIDES

Address or Location: 17106 MASEMORE ROAD PARKTON, MD 21120

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID A. SIDES

Address: 17106 MASEMORE ROAD

PARKTON MD 21120

Telephone Number: HOME (410) 357-0656 WORK (410) 704-5291

Revised 2/20/98 - SCJ

- 10 -
02-408-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 408 -A Address 17106 PLASEMORE RD.

Contact Person: JOHN R. FICKS ANDER Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 03-22-02 Posting Date: 03-31-02 Closing Date: 04-15-02

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 02- 408 -A Address 17106 PLASEMORE RD.

Petitioner's Name DAVID & SARAH SIDES Telephone 410-357-0656

Posting Date: 03-31-02 Closing Date: 04-15-02

Wording for Sign: To Permit A SIDE YARD SETBACK OF 24 FT. IN
VIEW OF THE REQUIRED 35 FT. IN AN RC-2 ZONE.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 15, 2002

Mr. & Ms. David A Sides
17106 Masemore Road
Parkton MD 21120

Dear Mr. & Mrs. Sides:

RE: Case Number: 02-408-A, 17106 Masemore Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 22, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c People's Counsel

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

DATE: May 1, 2002

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 8, 2002
Item Nos. 401, 402, 404, 405, 406,
407, ~~408~~, 409, 410, 411, 413, 414,
415, 416, 417, 418, 419, 420, 421,
422, 423 and 425

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:CEN:cab

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 12, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF April 8, 2002

Item No.: See Below

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:
401, 402, 404-417, 419-425

408

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File
COUNTY REVIEW GROUP MEETING{PRIVATE }

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

PN
4/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: April 11, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

APR 11

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-321, 02-401, 02-408, 02-413, 02-414,
02-416, 02-419, & 02-423

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Jeffrey M. Z...

AFK/LL:MAC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4.12.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 408

JRA

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

in Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Attachment

March 17, 2002

Re: Request for a side setback variance at 17106 Masemore Road, Parkton, MD

This is to verify that we have spoken to our next door neighbor, Mrs. Emily Williams, about the addition we would like to build on the side of our house that faces her property. She understands that our house is currently 38 feet from her property line and the proposed 14 foot wide addition would reduce that distance to 24 feet. She has no objections to this variance request.

Signed *David & Sara Sides* Date *3/17/02*
Sara Sides Date *3/17/02*
David & Sara Sides (Homeowners)

Signed *Mrs. Emily L. Williams* Date *3-17-02*
Mrs. Emily Williams (Neighbor)

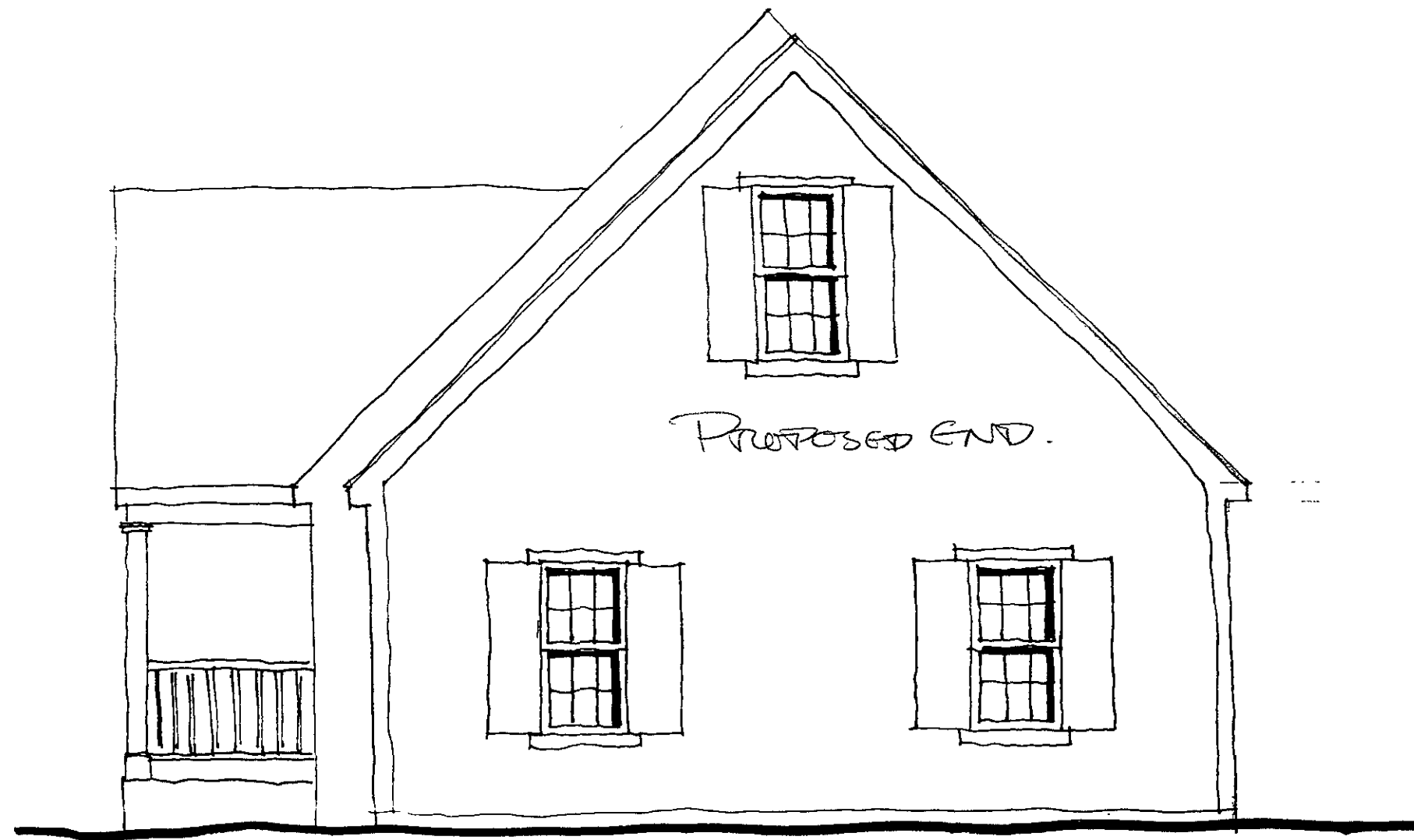
02-408-A



SIDES RESIDENCE
SCS, LTD. ARCHITECTURE

FRONT ELEVATION
 $\frac{1}{4}" = 1'-0"$ 1.31.02

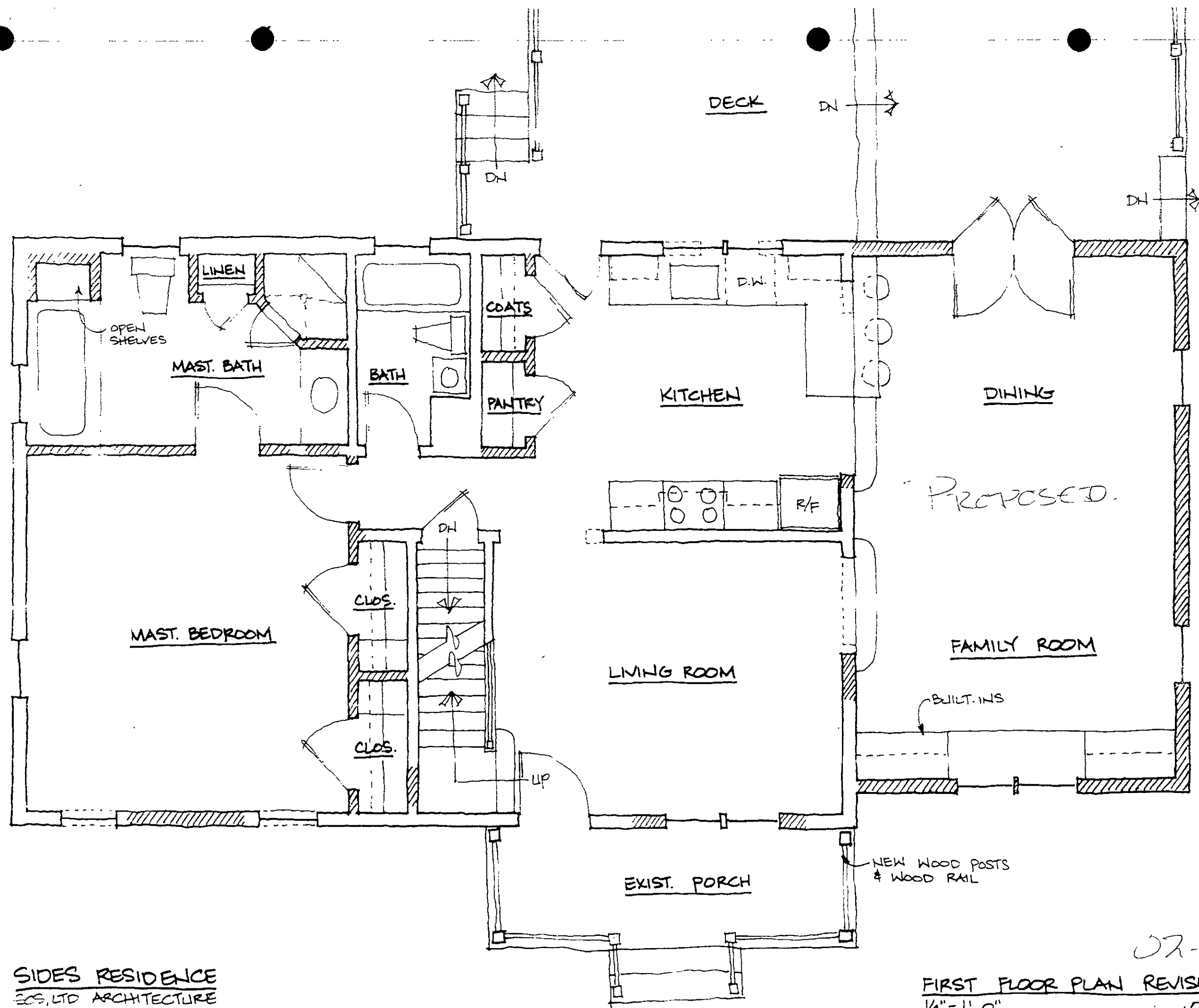
C2 408-A



SIDES RESIDENCE
SCS, LTD. ARCHITECTURE

NORTH ELEVATION
 $\frac{1}{4}'' = 1'-0''$ 3.5.02

02408 A



SIDES RESIDENCE
ECS, LTD ARCHITECTURE

07-408-A
FIRST FLOOR PLAN REVISED
1/4" = 1'-0"
.02

ZONING MAP

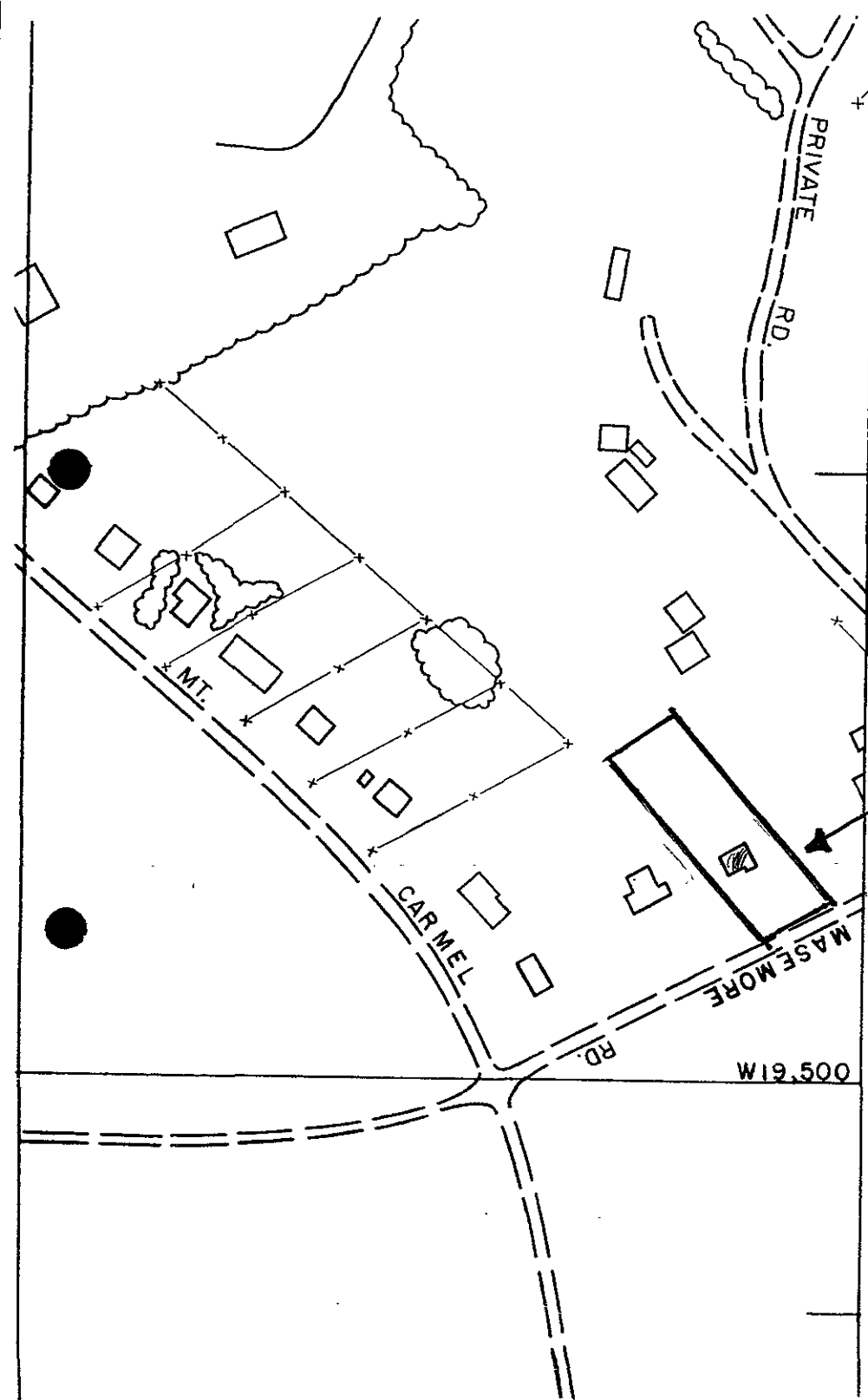
E-804-807

LW

27 D

1" = 200'

→ NORTH



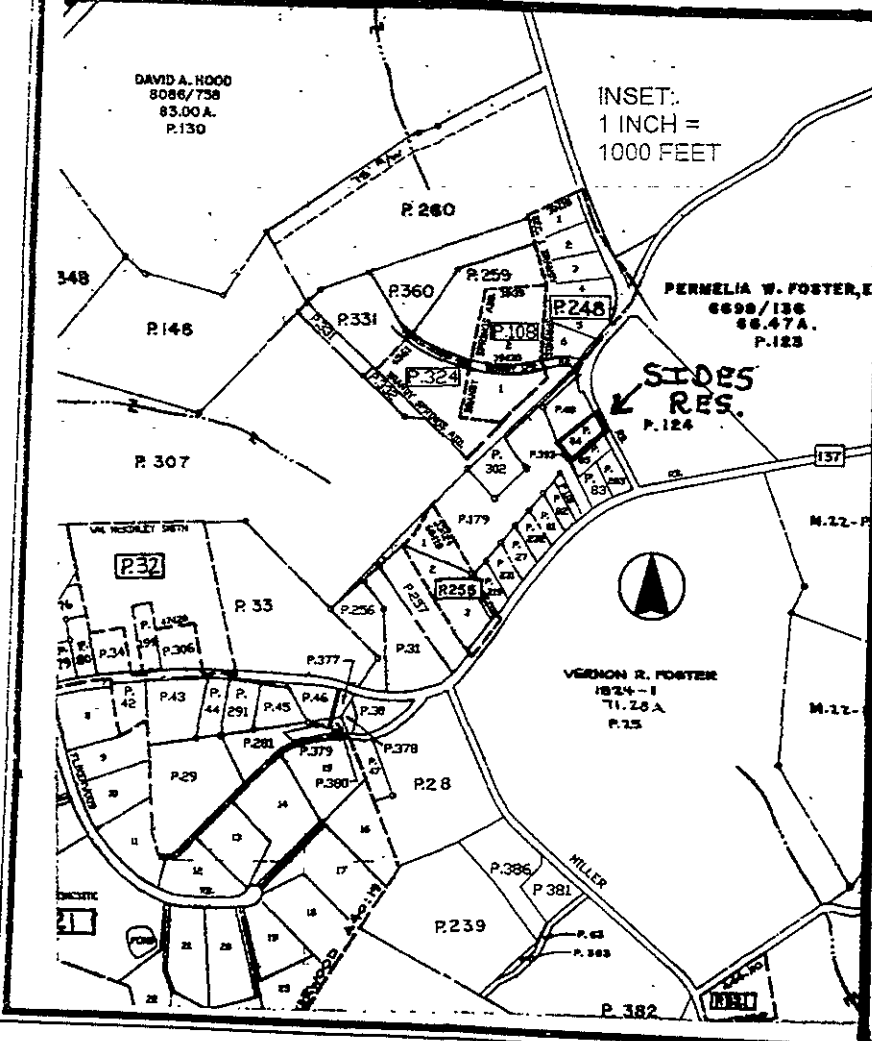
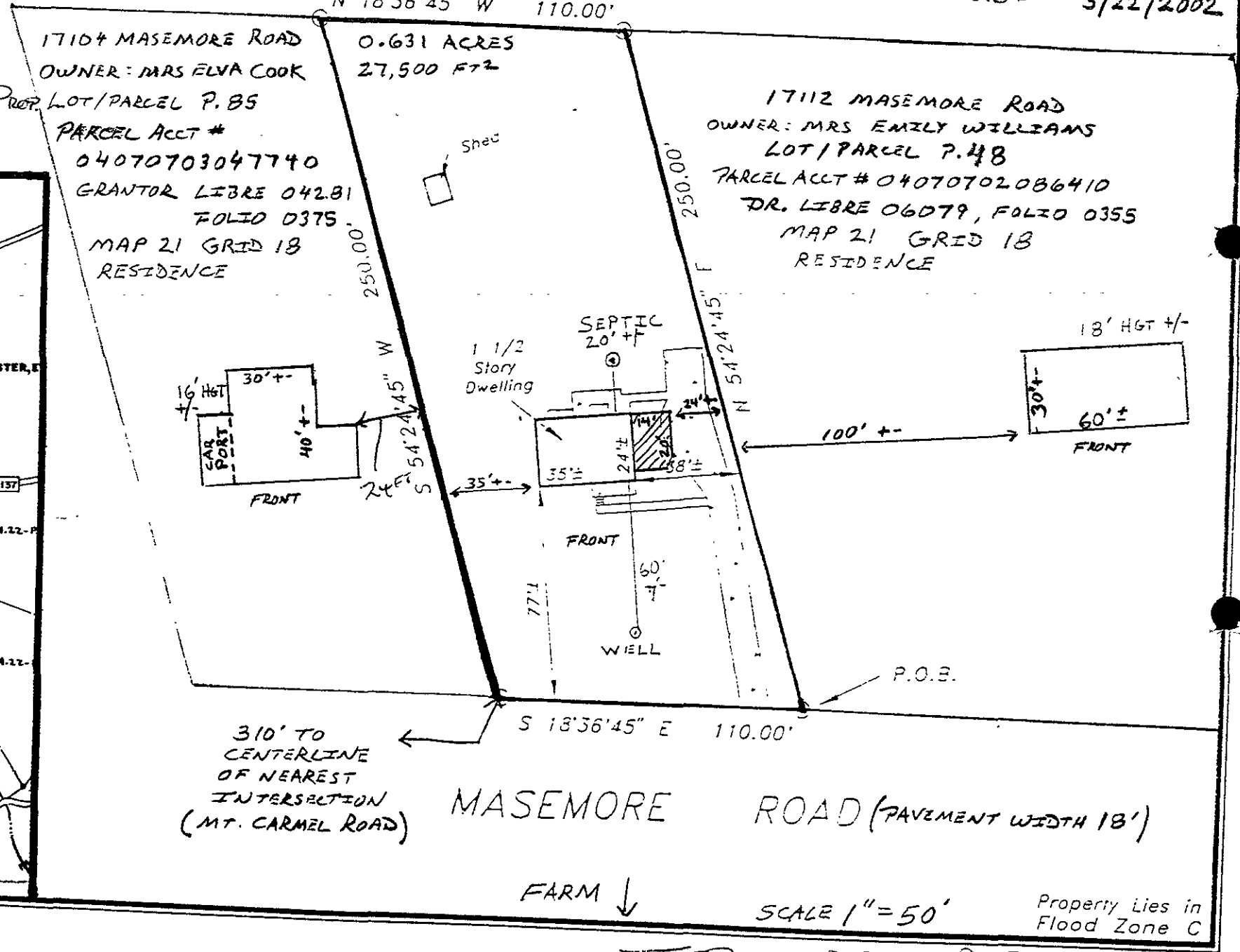
SIDES RESIDENCE
17106 MASEMORE ROAD
PARKTON, MD 21120

R2

← 35' →

PLAN TO ACCOMPANY OWNER-OCCUPIED RESIDENTIAL ZONED LOT ADMINISTRATIVE VARIANCE REQUEST
 OWNERS: DAVID A. AND SARA M. SIDES, 17106 MASEMORE ROAD, 7TH ELECTION DISTRICT, 3RD COUNCILMANIC DISTRICT
 ZONING: RC-2 MAP # N.W. 27-D, LOT SIZE .631 AC., PRIVATE WATER & SEWER - 3/22/2002

NOT IN OBCA.
 NOT IN A FLOOD PLAIN.
 NOT IN A HIST DIST. NOT HISTORIC PROP.
 NO PRIOR ZONING HEARINGS.

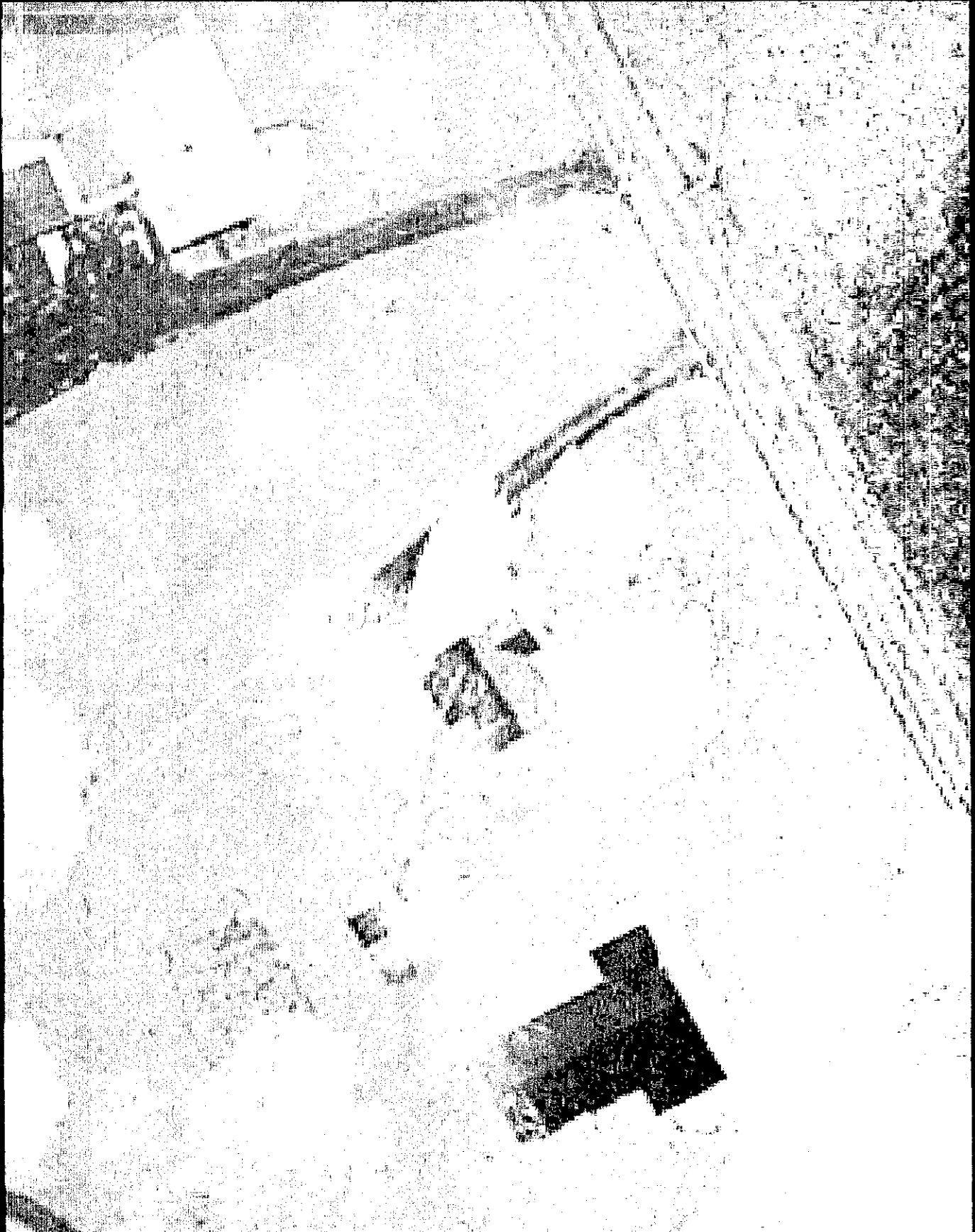


Pet. Ex. #1

JOFF OR-408-A

Sides Residence, 17106 Masemore Road (1:500 scale)

11 INCHES
1" = 41.5 FT



02-4087

